

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 104

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DEBRIS; AMENDING SECTION 18-3906, IDAHO CODE, TO REVISE THE PENALTY FOR PLACING DEBRIS ON A HIGHWAY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-7031, IDAHO CODE, TO REVISE THE PENALTY FOR PLACING DEBRIS ON PUBLIC OR PRIVATE PROPERTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-3906, Idaho Code, be, and the same is hereby amended to read as follows:

18-3906. PLACING DEBRIS ON HIGHWAYS. (1) If It shall constitute an infraction for any person shall wilfully or negligently to throw from any vehicle, place, deposit or permit to be deposited upon or alongside of any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash or garbage, lighted material, or other waste substance, such persons shall, upon conviction thereof, be punished and is punishable by a fine not exceeding three of one hundred fifty dollars (\$30150) or by imprisonment in the county jail not exceeding ten (10) days. A second conviction under this section within two (2) years of the commission of the prior offense for which the person was convicted shall constitute an infraction and be punishable by a fine not exceeding three hundred dollars (\$300). A third conviction under this section within three (3) years of the first offense for which the person was convicted shall constitute a misdemeanor and be punishable by a fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding thirty (30) days. For the purposes of this section, the terms "highway," "street," "alley" or "easement" shall be construed to include the entire right-of-way of such highway, street, alley or easement. The Idaho transportation department is directed to post along state highways, at convenient and appropriate places, notices of the context of said law.

(2) Notwithstanding the provisions of section 19-4705, Idaho Code, the court may order that fifty dollars (\$50.00) of the fine imposed under the provisions of this section be paid by the defendant to the person or persons, other than the officer making the arrest, who, in the judgment of the court, provided information that led directly to the arrest and conviction of the defendant.

SECTION 2. That Section 18-7031, Idaho Code, be, and the same is hereby amended to read as follows:

18-7031. PLACING DEBRIS ON PUBLIC OR PRIVATE PROPERTY ~~A MISDEMEANOR~~. It shall constitute an misdemeanor infraction for any person, natural or artificial, to deposit upon any public or private property within this

1 state any debris, paper, litter, glass bottles, glass, nails, tacks, hooks,
2 hoops, cans, barbed wire, boards, trash, garbage, lighted material or other
3 waste substances on any place not authorized by any county, city, village
4 or the owner of such property, and is punishable by imprisonment in a county
5 jail not exceeding six (6) months, or by a fine not exceeding of one thousand
6 hundred fifty dollars (\$1,000~~50~~), or both. A second conviction under this
7 section within two (2) years of the commission of the prior offense for which
8 the person was convicted shall constitute an infraction and be punishable
9 by a fine not exceeding three hundred dollars (\$300). A third conviction
10 under this section within three (3) years of the first offense for which the
11 person was convicted shall constitute a misdemeanor and be punishable by a
12 fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the
13 county jail not exceeding thirty (30) days. Additionally, a peace officer
14 or state fish and game personnel supervised public service of not less than
15 eight (8) hours and not more than forty (40) hours may be imposed to clean
16 up and to properly dispose of debris from public property, or from private
17 property with the written consent of the private property owner, as ordered
18 by the court.